

109TH CONGRESS
1ST SESSION

S. 2149

To authorize resources to provide students with opportunities for summer learning through summer learning grants.

IN THE SENATE OF THE UNITED STATES

DECEMBER 20, 2005

Mr. OBAMA (for himself and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To authorize resources to provide students with opportunities for summer learning through summer learning grants.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Summer Term Edu-
5 cation Programs for Upward Performance Act of 2005”
6 or the “STEP UP Act of 2005”.

7 **SEC. 2. FINDINGS.**

8 Congress finds the following:

1 (1) All students experience learning losses when
2 they do not engage in educational activities during
3 the summer.

4 (2) Students on average lose more than 1
5 month's worth of reading skills, and 2 months or
6 more in mathematics facts and skills, during the
7 summer.

8 (3) The impact of summer learning loss is
9 greatest for children living in poverty, for children
10 with learning disabilities, and for children who do
11 not speak English at home.

12 (4) While middle-class children's test scores plateau or even rise during the summer months, scores plummet for children living in poverty. Disparities grow, so that reading scores of disadvantaged students can fall more than 3 months behind the scores of their middle-class peers.

18 (5) Summer learning losses by children living in poverty accumulate over the elementary school years, so that their achievement scores fall further and further behind the scores of their more advantaged peers as the children progress through school.

23 (6) This summer slide is costly for American education. Analysis by Professor Harris Cooper and his colleagues finds that 2 months of the school year

1 are lost: 1 month spent in reteaching and 1 month
2 spent not providing new instruction.

3 (7) Analysis of summer learning programs has
4 demonstrated their effectiveness. In the BELL pro-
5 grams in Boston, New York, and Washington, DC,
6 students gained several months' worth of reading
7 and mathematics skills in 6 weeks, with a majority
8 of those students moving to a higher performance
9 category, as assessed by standardized mathematics
10 and reading tests. In the Center for Summer
11 Learning's Teach Baltimore Summer Academy, ran-
12 domized studies show that students who regularly
13 attended the program for not less than 2 summers
14 gained advantages of 70 to 80 percent of 1 full
15 grade level in reading over control-group peers who
16 did not attend summer school.

17 (8) Summer learning programs are proven to
18 remedy, reinforce, and accelerate learning, and can
19 serve to close the achievement gap in education.

20 **SEC. 3. PURPOSE.**

21 The purpose of this Act is to create opportunities for
22 summer learning by providing summer learning grants to
23 eligible students, in order to—

24 (1) provide the students with access to summer
25 learning;

1 (2) facilitate the enrollment of students in ele-
 2 mentary schools or youth development organizations
 3 during the summer;

4 (3) promote collaboration between teachers and
 5 youth development professionals in order to bridge
 6 gaps between schools and youth programs; and

7 (4) encourage teachers to try new techniques,
 8 acquire new skills, and mentor new colleagues.

9 **SEC. 4. DEFINITIONS.**

10 In this Act:

11 (1) **EDUCATIONAL SERVICE AGENCY.**—The
 12 term “educational service agency” has the meaning
 13 given the term in section 9101 of the Elementary
 14 and Secondary Education Act of 1965 (20 U.S.C.
 15 7801).

16 (2) **ELIGIBLE ENTITY.**—The term “eligible enti-
 17 ty” means an entity that—

18 (A) desires to participate in a summer
 19 learning grant program under this Act by pro-
 20 viding summer learning opportunities described
 21 in section 6(d)(1)(B) to eligible students; and

22 (B) is—

23 (i) a local educational agency;

24 (ii) a for-profit educational provider,
 25 nonprofit organization, or summer enrich-

1 ment camp, that has been approved by the
2 State educational agency to provide the
3 summer learning opportunity described in
4 section 6(d)(1)(B), including an entity that
5 is in good standing that has been pre-
6 viously approved by a State educational
7 agency to provide supplemental educational
8 services; or

9 (iii) a consortium consisting of a local
10 educational agency and 1 or more of the
11 following entities:

12 (I) Another local educational
13 agency.

14 (II) A community-based youth
15 development organization with a dem-
16 onstrated record of effectiveness in
17 helping students learn.

18 (III) An institution of higher
19 education.

20 (IV) An educational service agen-
21 cy.

22 (V) A for-profit educational pro-
23 vider described in clause (ii).

24 (VI) A nonprofit organization de-
25 scribed in clause (ii).

1 (VII) A summer enrichment
2 camp described in clause (ii)

3 (3) ELIGIBLE STUDENT.—The term “eligible
4 student” means a student who—

5 (A) is eligible for a free lunch under the
6 Richard B. Russell National School Lunch Act
7 (42 U.S.C. 1751 et seq.);

8 (B) is served by a local educational agency
9 identified by the State educational agency in
10 the application described in section 5(b); or

11 (C)(i) in the case of a summer learning
12 grant program authorized under this Act for
13 fiscal year 2006, 2007, or 2008, is eligible to
14 enroll in any of the grades kindergarten
15 through grade 3 for the school year following
16 participation in the program; or

17 (ii) in the case of a summer learning grant
18 program authorized under this Act for fiscal
19 year 2009 or 2010, is eligible to enroll in any
20 of the grades kindergarten through grade 5 for
21 the school year following participation in the
22 program.

23 (4) INSTITUTION OF HIGHER EDUCATION.—The
24 term “institution of higher education” has the

1 meaning given the term in section 101(a) of the
 2 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

3 (5) LOCAL EDUCATIONAL AGENCY.—The term
 4 “local educational agency” has the meaning given
 5 the term in section 9101 of the Elementary and Sec-
 6 ondary Education Act of 1965 (20 U.S.C. 7801).

7 (6) SECRETARY.—The term “Secretary” means
 8 the Secretary of Education.

9 (7) STATE.—The term “State” means each of
 10 the several States of the United States, the District
 11 of Columbia, the Commonwealth of Puerto Rico,
 12 Guam, American Samoa, the United States Virgin
 13 Islands, the Commonwealth of the Northern Mar-
 14 iana Islands, the Republic of the Marshall Islands,
 15 the Federated States of Micronesia, and the Repub-
 16 lic of Palau.

17 (8) STATE EDUCATIONAL AGENCY.—The term
 18 “State educational agency” has the meaning given
 19 the term in section 9101 of the Elementary and Sec-
 20 ondary Education Act of 1965 (20 U.S.C. 7801).

21 **SEC. 5. DEMONSTRATION GRANT PROGRAM.**

22 (a) PROGRAM AUTHORIZED.—

23 (1) IN GENERAL.—From the funds appro-
 24 priated under section 8 for a fiscal year, the Sec-
 25 retary shall carry out a demonstration grant pro-

1 gram in which the Secretary awards grants, on a
2 competitive basis, to State educational agencies to
3 enable the State educational agencies to pay the
4 Federal share of summer learning grants for eligible
5 students.

6 (2) NUMBER OF GRANTS.—For each fiscal year,
7 the Secretary shall award not more than 5 grants
8 under this section.

9 (b) APPLICATION.—A State educational agency that
10 desires to receive a grant under this section shall submit
11 an application to the Secretary at such time, in such man-
12 ner, and accompanied by such information as the Sec-
13 retary may require. Such application shall identify the
14 areas in the State where the summer learning grant pro-
15 gram will be offered and the local educational agencies
16 that serve such areas.

17 (c) AWARD BASIS.—In awarding grants under this
18 section, the Secretary shall take into consideration an eq-
19 uitable geographic distribution of the grants.

20 **SEC. 6. SUMMER LEARNING GRANTS.**

21 (a) USE OF GRANTS FOR SUMMER LEARNING
22 GRANTS.—

23 (1) IN GENERAL.—Each State educational
24 agency that receives a grant under section 5 for a
25 fiscal year shall use the grant funds to provide sum-

mer learning grants for the fiscal year to eligible students in the State who desire to attend a summer learning opportunity offered by an eligible entity that enters into an agreement with the State educational agency under subsection (d)(1).

(2) AMOUNT; FEDERAL AND NON-FEDERAL SHARES.—

(A) AMOUNT.—The amount of a summer learning grant provided under this Act shall be—

(i) for each of the fiscal years 2006 through 2009, \$1,600; and

(ii) for fiscal year 2010, \$1,800.

(B) FEDERAL SHARE.—The Federal share of each summer learning grant shall be not more than 50 percent of the amount of the summer learning grant determined under subparagraph (A).

(C) NON-FEDERAL SHARE.—The non-Federal share of each summer learning grant shall be not less than 50 percent of the amount of the summer learning grant determined under subparagraph (A), and shall be provided from non-Federal sources, such as State or local sources.

1 (b) DESIGNATION OF SUMMER SCHOLARS.—Eligible
2 students who receive summer learning grants under this
3 Act shall be known as “summer scholars”.

4 (c) SELECTION OF SUMMER LEARNING OPPOR-
5 TUNITY.—

6 (1) DISSEMINATION OF INFORMATION.—A
7 State educational agency that receives a grant under
8 section 5 shall disseminate information about sum-
9 mer learning opportunities and summer learning
10 grants to the families of eligible students in the
11 State.

12 (2) APPLICATION.—The parents of an eligible
13 student who are interested in having their child par-
14 ticipate in a summer learning opportunity and re-
15 ceive a summer learning grant shall submit an appli-
16 cation to the State educational agency that includes
17 a ranked list of preferred summer learning opportu-
18 nities.

19 (3) PROCESS.—A State educational agency that
20 receives an application under paragraph (2) shall—

21 (A) process such application;

22 (B) determine whether the eligible student
23 shall receive a summer learning grant;

1 (C) coordinate the assignment of eligible
2 students receiving summer learning grants with
3 summer learning opportunities; and

4 (D) if demand for a summer learning op-
5 portunity exceeds capacity—

6 (i) in a case where information on the
7 school readiness (based on school records
8 and assessments of student achievement)
9 of the eligible students is available, give
10 priority for the summer learning oppor-
11 tunity to eligible students with low levels of
12 school readiness; or

13 (ii) in a case where such information
14 on school readiness is not available, rely on
15 randomization to assign the eligible stu-
16 dents.

17 (4) FLEXIBILITY.—A State educational agency
18 may assign a summer scholar to a summer learning
19 opportunity program that is offered in an area
20 served by a local educational agency that is not the
21 local educational agency serving the area where such
22 scholar resides.

23 (5) REQUIREMENT OF ACCEPTANCE.—An eligi-
24 ble entity shall accept, enroll, and provide the sum-
25 mer learning opportunity of such entity to, any sum-

mer scholar assigned to such summer learning opportunity by a State educational agency pursuant to this subsection.

(d) AGREEMENT WITH ELIGIBLE ENTITY.—

(1) IN GENERAL.—A State educational agency shall enter into an agreement with the eligible entity offering a summer learning opportunity, under which—

(A) the State educational agency shall agree to make payments to the eligible entity, in accordance with paragraph (2), for a summer scholar; and

(B) the eligible entity shall agree to provide the summer scholar with a summer learning opportunity that—

(i) provides a total of not less than the equivalent of 30 full days of instruction (or not less than the equivalent of 25 full days of instruction, if the equivalent of an additional 5 days is devoted to field trips or other enrichment opportunities) to the summer scholar;

(ii) employs small-group, research-based educational programs, materials, curricula, and practices;

1 (iii) provides a curriculum that—

2 (I) emphasizes reading and
3 mathematics;

4 (II) is primarily designed to in-
5 crease the literacy and numeracy of
6 the summer scholar; and

7 (III) is aligned with the stand-
8 ards and goals of the school year cur-
9 riculum of the local educational agen-
10 cy serving the summer scholar;

11 (iv) applies assessments to measure
12 the skills taught in the summer learning
13 opportunity and disaggregates the results
14 of the assessments for summer scholars by
15 race and ethnicity, economic status, limited
16 English proficiency status, and disability
17 category, in order to determine the oppor-
18 tunity's impact on each subgroup of sum-
19 mer scholars;

20 (v) collects daily attendance data on
21 each summer scholar; and

22 (vi) meets all applicable Federal,
23 State, and local civil rights laws.

24 (2) AMOUNT OF PAYMENT.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), a State educational agency
3 shall make a payment to an eligible entity for
4 a summer scholar in the amount determined
5 under subsection (a)(2)(A).

6 (B) ADJUSTMENT.—In the case in which a
7 summer scholar does not attend the full sum-
8 mer learning opportunity, the State educational
9 agency shall reduce the amount provided to the
10 eligible entity pursuant to subparagraph (A) by
11 a percentage that is equal to the percentage of
12 the summer learning opportunity not attended
13 by such scholar.

14 (e) USE OF SCHOOL FACILITIES.—State educational
15 agencies are encouraged to require local educational agen-
16 cies in the State to allow eligible entities, in offering sum-
17 mer learning opportunities, to make use of school facilities
18 in schools served by such local educational agencies at rea-
19 sonable or no cost.

20 (f) ACCESS OF RECORDS.—An eligible entity offering
21 a summer learning opportunity under this Act is eligible
22 to receive, upon request, the school records and any pre-
23 vious supplemental educational services assessment
24 records of a summer scholar served by such entity.

1 (g) ADMINISTRATIVE COSTS.—A State educational
2 agency or eligible entity receiving funding under this Act
3 may use not more than 5 percent of such funding for ad-
4 ministrative costs associated with carrying out this Act.

5 **SEC. 7. EVALUATIONS; REPORT; WEBSITE.**

6 (a) EVALUATION AND ASSESSMENT.—For each year
7 that an eligible entity enters into an agreement under sec-
8 tion 6(d), the eligible entity shall prepare and submit to
9 the Secretary a report on the activities and outcomes of
10 each summer learning opportunity that enrolled a summer
11 scholar, including—

12 (1) information on the design of the summer
13 learning opportunity;

14 (2) the alignment of the summer learning op-
15 portunity with State standards; and

16 (3) data from assessments of student mathe-
17 matics and reading skills for the summer scholars
18 and on the attendance of the scholars, disaggregated
19 by the subgroups described in section 6(d)(1)(B)(iv).

20 (b) REPORT.—For each year funds are appropriated
21 under section 8 for this Act, the Secretary shall prepare
22 and submit a report to Congress on the summer learning
23 grant programs, including the effectiveness of the summer
24 learning opportunities in improving student achievement.

1 (c) SUMMER LEARNING GRANTS WEBSITE.—The
2 Secretary shall make accessible, on the Department of
3 Education website, information for parents and school
4 personnel on successful programs and curricula, and best
5 practices, for summer learning opportunities.

6 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to carry out
8 this Act \$100,000,000 for fiscal year 2006 and such sums
9 as may be necessary for each of the fiscal years 2007
10 through 2010.

